



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/018,224 Confirmation No. :
Applicant : KLAUS GESSNER, et al.
Filed : April 25, 2002
TC/A.U. : 3742
Examiner :
Docket No. : 095309.50746
Customer No. : 23911
Title : ELECTRICALLY HEATABLE GLOW PLUG OR GLOW
ROD FOR INTERNAL COMBUSTION ENGINES AND
METHOD OF MAKING SAME

REPLY

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

The following is responsive to the Office Action mailed on or about October 15, 2003.

The rejection of Claims 5-16 as being unpatentable over JP '614 in view of Carter et al., JP '621 and/or Baldi et al. under 35 U.S.C. §103(a) is traversed, and reconsideration thereof is respectfully requested.

Although not explicitly stated in the Office Action, the reliance upon the Baldi et al. patent appears directed solely to the subject matter of dependent claim 9. The rejection of the independent claims appears to be based upon the hypothetical combination of JP '614 with either the Carter et al. patent or the JP '621 document.

The Office Action correctly notes that the JP '614 document does not teach the claim combinations of elements or steps in Claims 5, 10 and 14. The reliance upon the JP '621 document to make up for the difference is totally misplaced inasmuch as that document does not deal with a glow plug but an induction coil used in a hardening machine. In other words, the teachings in this document are both non-analogous and far afield from the problems addressed by the present invention. Only impermissible hindsight would suggest otherwise.

Likewise, the Carter et al. plug assembly does not address the differences. Instead, the plug disclosed in the Carter et al. patent is one with a high melting point, oxidation resistant wire that is wound over a heat sink mandrel 8. Thus, Carter et al. were not concerned with the problem of avoiding damage to a heating wire during compaction of the powder in which the wire is embedded. Indeed, there is not the remotest hint or suggestion of such a thing in the Carter et al. patent. To the extent Carter et al. proposed the use of an oxide hardened platinum alloy, it certainly had nothing to do with a glow plug arrangement using a compacted powder. Again only impermissible hindsight could lead to a different conclusion.

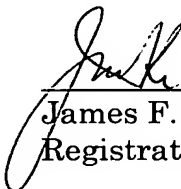
Thus, the rejection under §103(a) is not based upon substantial record evidence and does not constitute a prima facie case of obviousness. Accordingly, early and favorable action is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.50746US).

Respectfully submitted,

April 15, 2004


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